

**REMARKS**

**Election/Restrictions**

The examiner correctly noted that in the restriction requirement Group I, drawn to a light emitter, should include claims 1-11 and 25-28, and Group II, drawn to an apparatus and method for making a semiconductor device, should include claims 12-24. Claims 1-11 and 25-28 have been elected for further prosecution.

**Drawings**

The examiner objected to the drawings under 37 CFR 1.83(a) because the emission region comprising an active layer sandwiched between two oppositely doped layers, as recited in claims 2 and 26 must be shown in the claims. 37 CFR 1.83(a) provides as follows:

The drawings in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for proper understanding of the invention, should be illustrated in the drawings in the form of a graphical symbol or a labeled representation.

As noted in the present application the operational details of LEDs is known in the art and was only briefly discussed (Page 13, lines 19-20). In our case emission regions are conventional, and are shown in the drawings as a single region. It would be understood in the art that this region can comprise an active layer sandwiched between two oppositely doped layers as fully described in the specification (Page 13, Lines 20-25). Applicants respectfully submit that the drawings comply with 37 CFR 1.83(a)

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as they relate to claims 2 and 26, and respectfully request that the examiner's objection to these claims be withdrawn.

The examiner also objected to the drawings under 37 CFR 1.83(a) because the porous layers on a plurality of semiconductor layers as recited in claim 28 must be shown. Claim 28 has been canceled herein.

#### **Claim Objections**

Claims 5 and 6 were objected to because of informalities and these claims have been amended according to the examiner's suggestion.

#### **Claim Rejections - 35 USC § 112**

The examiner rejected claim 28 under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. Claim 28 has been canceled herein.

#### **Claim Rejections - 35 USC § 102**

The examiner rejected claims 1, 11 and 28 under 35 USC § 102(b) as being anticipated by U.S. Patent No. 6,225,647 to Kurtz et al. Of these claims 1 and 28 are independent claims, and claim 11 depends from claim 1. Although applicants do not agree with the examiner's finding regarding claim 11, it has been amended to depend from claim 3 (allowable as described below) and is now allowable. Claim 28 has been canceled.

Although applicants do not agree with the examiner's finding regarding claim 1, it has been amended to further distinguish it from Kurtz et al. It now contains the following limitation:

a semiconductor emission region formed on said substrate, said emission region capable of emitting light omnidirectionally in response to a bias, said porous layer

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on one or more surfaces of said substrate not in contact with said emission region, said porous layer enhancing extraction of said emission region light passing through said substrate.

Support for this amendment can be found in the specification and drawings as originally filed, including, but not limited to, in FIG. 6 and 7.

The porous layer 34 is Kurtz et al. is on the surface of the substrate 32 contacted by the active layer 36 that helps form the emission region. Kurtz does not disclose, teach or suggest the limitation of claim 1 as amended, and applicants respectfully submit that claim 1 is allowable.

#### **Claim Rejections - 35 USC § 103**

The examiner rejected claims 2 and 6 under 35 USC 103(a) as being unpatentable over Kurtz et al. Although applicants do not agree with the examiner's conclusions, claims 2 and 6 have been amended to depend from claim 3 (now allowable as described below), and are now allowable.

#### **Allowable Subject Matter**

The examiner found that claims 25-27 are allowable.

The examiner also objected to claims 3-5 and 7-10 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claim 3 has been written in independent form according to the examiner's suggestion, and claims 4 and 5 depend from claim 3. Claim 7 has also been rewritten according to the examiner's suggestion, and to reduce the number of claims in independent form, claims 8-10 have been amended to depend from claim 7.

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For the reasons outlined above, applicants respectfully submit that claims 1-11 and 25-27 are now in condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jaye G. Heybl', is written over a horizontal line.

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